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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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10 The United States of America for the  
11 use of Foxworth-Galbraith Lumber  
12 Company,

13 Plaintiff,

14 vs.

15 Shannon Construction, LLC, and  
16 Pacific Insurance Company,

Defendants.

17 } No. CV-09-8111-PCT-PGR  
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ORDER

17 The parties having filed a Motion and Stipulation to Dismiss With Prejudice  
18 (Doc. 26) which is sufficient to automatically effectuate the dismissal of this action  
19 with prejudice pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii) without the necessity of a  
20 court order, Eitel v. McCool, 782 F.2d 1470, 1472-73 and n.4 (9<sup>th</sup> Cir. 1986),

21 IT IS ORDERED that the Clerk of the Court shall terminate this action.

22 DATED this 14<sup>th</sup> day of October, 2010.

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25 Paul G. Rosenblatt  
26 United States District Judge